
Debate 1

Professional ethics: reply to Professor Downie

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The article reproduced a guest address I gave to a plenary session of the World Congress on Law and Medicine held in New Delhi in February 1985. Had I been writing for moral philosophers, rather than speaking to several hundred practising doctors and lawyers, I would of course have expressed myself rather differently. In particular, I would have asked more questions, and my suggested answers would have been more tentative and less assertive.

Trying now to bridge the gap between these two very different modes of discourse, I would make these brief points:

1. Gross inequality of power is of course a necessary, and not a sufficient, feature of a professional relationship, and I did not suggest otherwise. I am not sure, though, whether I would agree that it is *impossible* to find a sufficient set of such features, since such sets are implicit in the use which different people make of the term 'professional relationship' when they seek to distinguish it from others. Some might not agree, for instance, with Professor Downie's assertion that 'if anything is a profession music is' – but that may be because their sets of necessary (and potentially sufficient) features differ from his.

2. In saying that 'altruism is paramount and self-interest has no place' in a professional relationship I was of course not making an empirical claim: I know perfectly well, and so did my audience, that all professions have their black sheep. Nor was I merely making an obvious (and therefore trivial) moral claim. I would in fact categorise my main claim as perceptual rather than conceptual: what I was trying to convey was that this was how most people in most societies *expect* their true professionals to behave. If we see a doctor refusing to turn out of bed in an emergency (let alone striking for higher pay, even if this means that people will die), or a lawyer maximising his income by involving his clients in unnecessary lawsuits, we say that this is bad doctoring or lawyering, because it is not what we expect of them. We are not apt to say the same of a garage that cannot be bothered to

rescue us from the hard shoulder in the middle of the night, or of a baker who tries to persuade us to buy expensive cakes that we do not need, and which might even damage our health.

3. I did not imagine that the notion of a 'noble cause' would find much support among moral philosophers. But it is a convenient way of describing a constraint that is very familiar to practitioners of both law and medicine. An advocate, for instance, must fight for his client's cause with all the forces he can command – save only that he must not knowingly mislead the court, even in his client's interest. Lawyers explain this by saying that a paramount duty to serve 'the interests of justice' overrides their duty to do all they can for their clients. I know of no parallel conflict, or solution, among farmers, the lingerie trade, or travel agents.

4. More generally, I of course accept that we should all try to behave altruistically wherever we can. But I continue to assert that the public expects true 'professionals' to behave less selfishly than others *within their professional relationships*, and is chary of granting recognition of that status to the members of any trade or occupation, however hard they press for it, if they will not accept such an exceptionally high standard of conduct in return.

5. As for cynicism, mine extends to all the members of our species, whatever their trades or vocations: we all have a powerful selfish streak, which we often allow to override our altruistic ideals. And there are indeed some members of the traditional professions who do not behave any less selfishly to their patients or clients than many butchers, bakers, or candlestick-makers do to their customers – just as there are businessmen who behave unexpectedly well, and sometimes even find that this enhances their profits. But I do not derive any *ought* from that is – or perhaps I should say 'from those iss'.

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Key words

Professions; professional ethics.